

**DENTAL QUALITY ASSURANCE COMMISSION**  
**BUSINESS MEETING MINUTES**  
**Thursday, August 25, 2005**

**Members Present:**

John Davis, DDS, JD, Chair  
Russell Timms, DDS, Vice-Chair  
Abdul Alkezweeny, PhD, Public Member  
Mark Koday, DDS  
Marshall H. Titus, DDS  
Pramod K. Sinha, DDS

Bernie Nelson, Public Member  
Jessica Saepoff, DDS  
Fred Quarnstrom, DDS  
Robin Reinke, DDS  
Padmaraj Angolkar, DDS

**Members Absent:**

Karen Homitz, DDS

Lorin Peterson, DDS

**Staff Present:**

Lisa Anderson, Health Services Consultant 3  
Sandra Adix, AAG  
Peter Harris, Staff Attorney  
Kim Dinsmore, Administrative Assistant  
Karen Jensen, Supervising Staff Attorney

Elyette Weinstein, Staff Attorney  
Josh Shipe, Health Services Consultant 3  
Jennifer Bressi, Health Services Consultant 1  
Kim O'Neal, Prosecuting AAG

**Others Present:**

Rod Wentworth, DDS - WSDA  
David Hemion, WSDA  
Jeff Parrish, DDS - WSDA  
Dr. James Ribary

Dan Greenwald, Nurse Anesthetists

Ann Clifton, Mercury Awareness Team  
Dan Wells, Harris Biomedical  
Jim Reed, DDS- WSSOMS  
Rhonda Savage, DDS - WSDA  
Colleen Gaylord, WSDHA

Rick Crinzi, DDS - OMFS  
Joella Pyatt, RDH, DHEC  
Lynnette Coan, Esq. - DSHS  
Todd W. Herzog, CRNA, WA Assn. of  
Nurse Anesthetists  
Mary Ann Newell, Consumers for Dental  
Choice NW  
Virginia Lineuime, RN  
Thomas Laney, MD, DDS  
Cindy Gideon, AGG  
Bill Hooe, DDS

## OPEN SESSION

**7:00 p.m.**

### **1. CALL TO ORDER-** John Davis, DDS, JD, Chair

#### **1.1 Introduction of Audience**

Dr. Davis publicly acknowledged and thanked the audience for attending and they were asked to introduce themselves. Commission and Department staff also introduced themselves.

#### **1.2 Introduction of New Dental Quality Assurance Commission Members**

Dr. Saepoff arrived at 7:20 and introduced herself at that time. Dr. Homitz was unable to attend this meeting.

#### **1.3 Approval of Agenda**

The agenda was approved as presented.

#### **1.4 Approval of the June 2, 2005 business meeting minutes, & June 3, 2005 Panel A & B minutes**

June 2, 2005 business meeting minutes were approved as presented.

June 3, 2005 Panel A and Panel B minutes were approved as presented.

**7:10 – 8:30 pm**

### **2. PRESENTATIONS**

#### **2.1 Presentation – Karen Jensen, Staff Attorney Supervisor – Sanctions Discussion**

Ms. Jensen indicated that she has been working on a Department project in which they have been reviewing the complete disciplinary process. The current Department disciplinary guidelines give too much discretion to disciplinary authority. Ms Jensen is currently visiting as many Boards and Commissions as she can to share the model with them. The model consists of categories, then into tiers, some common categories would be; drug diversion, sexual misconduct, etc then tiers of different levels of misconduct in those categories. We have to consider that all professions are different and we cannot create a system that is exactly the same for each disciplinary authority. The ultimate goal is to create consistency across the professions. Ms. Jensen will follow up with the Commission when more progress is ready to report.

#### **2.2 Presentation – Laura Farris, Senior Health Law Judge – Hearing Scheduling Issues**

Kim O’Neal prosecuting AAG presented on this topic. Ms. O’Neal explained the complexity of scheduling hearings with all parties involved. The Commission has the option to delegate hearings to a Health Law Judge but the Commission members are the working practitioners and have the professional expertise and knowledge needed in standard of care cases.. There was discussion of the problem of last minute continuances and settlements. Commission members clear their

calendars for 5 to 10 days, only to have the hearings cancel or settle. An option to this would be for hearings to be scheduled for a smaller number of days such as 2 to 3 days for several weeks vs. 5 to 10 consecutive days. Another option could be to appoint Pro tem members for hearings. We could ask past commission members to serve as pro tem members. The question was asked whether one must be in "active" practice to serve as a Pro tem member. Staff will seek AAG advice on this issue to present at a future meeting.

**2.3 Delegation of Show Cause Cases – Follow up Discussion**

This discussion was tabled until further notice.

**2.4 Court of Appeals Ruling – August 8, 2005 -Clients A & B vs. Yoshinaka**

Sandra Adix, AAG gave a brief overview of the original case that led to this latest ruling by the Washington State Court of Appeals. Kim O'Neal, AAG also provided a brief overview of the case. The Court has ruled that full authority authority Boards and Commission must personally authorize investigations, they cannot delegate that authority. The Commission went into Executive (closed) Session for legal advice from the Sandra Adix, advising AAG.

**3. PROGRAM REPORT, EXECUTIVE DIRECTOR, ASSISTANT ATTORNEY GENERAL, STAFF ATTORNEY, INVESTIGATORS – Joy King, Executive**

Director, Lisa Anderson, Health Services Consultant, Josh Shipe, Disciplinary Manger, Sandra Adix, AAG, Staff Attorney, Investigators

**3.1. Budget Report-**

The Interim Operating Report for May 2005 was provided to the Commission for information and review.

**3.2. Dental Quality Assurance Commission member reappointment –**

Bernard Nelson, Public Member was reappointed by the Governor for another term.

**3.3. Dental Quality Assurance Commission new member appointments –**

Karen Homitz, DDS and Jessica Saepoff, DDS were appointed by the Governor. Terrance Hauck, DDS was also appointed this week by the Governor. Time did not permit Dr. Hauck not Dr. Homitz to attend this meeting.

**3.4. Schedule 2006 Dental Quality Assurance Commission meetings**

Ms. Anderson provided the Commission with proposed meeting dates. The Commission agreed on the following dates: February 2-4, 2006, March 23-25, 2006, May 18-20, 2006, July 20-22, 2006, September 7-9, 2006, October 26-28, 2006 and December 7-9, 2006.

**3.5. Election of Officers – Chair and Vice-chair**

The Commission elected Dr. Russell Timms as Chair and Dr. Mark Koday as Vice-Chair. They will immediately assume their duties.

**3.6. 2005 Leadership Conference –**

The DOH Leadership conference is scheduled for September 12, 2005 at the Department of Health, Point Plaza East facility. Dr. Davis and Dr. Koday will be attending on behalf of the Commission. There is a reception scheduled at the Governor's mansion for attendees only and the Governor will be a featured

speaker at the conference and at the reception. A draft agenda was provided to the Commission.

**3.7. 2005 Board, Commissions, Committee (B/C/C) Conference –**

The annual B/C/C Conference is scheduled for September 23, 2005 at the Center Point Conference center, DOH Kent facility. Ms. Anderson asked the Commission to be sure to return their registration forms if they would like to attend. A draft agenda was provided to the Commission.

**3.8 2005-2007 Preliminary Budget Distribution –**

The Commission was provided preliminary budget figures for the 2005-2007 budget. A full budget presentation will be done in late fall 2005.

**4. RULES WAC 246-817 UPDATE**

**4.1. Dental continuing education amendment (WAC 246-817-440)**

David Hemion, Assistant Executive Director of WSDA provided a letter of concern to the Commission on the status of this rule. Ms. Anderson provided an update of the rule status. Draft language has been proposed but since this is considered a significant rule a Significant Legislative Rule Analysis (SLA) and a Small Business Economic Impact Statement (SBEIS) need to be completed. Due to Department organizational and staff changes as well as the Commissions own priority of work to complete, the SLA and SBEIS have not been completed. The Department's rule making process is currently under review. Ms. Anderson will provide Mr. Hemion with a written reference as to the mandates of the rule making requirements from the Administrative Procedures Act.

**4.2. Dental Anesthesia Committee = DAC\* (see WSDA letter) (WAC 246-817-700's)**

The committee has been established. The committee's task is to review and revise the anesthesia rules and to provide a proposed draft to the Commission for approval.. The first meeting of the subcommittee is scheduled for Friday October 21, 2005. In addition, there will be two open public forums for stakeholder input into the rulemaking process.

**4.3. 2005 Legislation – SHB 1689 Relation to Dental Health Services - Implementation Plan**

The program received a \$60,000 budget to implement the program. The Department is working with the Health Care Authority and is scheduled to have an initial planning meeting on September 22 to discuss roles and responsibilities..

**4.4. Letter dated August 9, 2005 to John Davis, DDS, JD regarding status of the rule revision to the Continuing Education rule WAC 246-817-440.**

Discussion took place in agenda item #4.1

**5. AMERICAN DENTAL ASSOCIATION (ADA); AMERICAN ASSOCIATION OF DENTAL EXAMINERS (AADE); AMERICAN ASSOCIATION OF DENTAL ADMINISTRATORS (AADA); THE DENTAL ASSISTING NATIONAL BOARD, INC (DANB)**

- 5.1. Letter dated June 7, 2005 addressed to Dr. Marshall Titus confirming the presentation he will provide at the AADE annual meeting.**  
Dr. Titus indicated that there has been discussions regarding corporate practice at the national level. The powerpoint presentation he will be presenting is available, The Commission may contact Dr. Titus for a copy of the presentation if they would like.
        - 5.2. 122<sup>nd</sup> AADE Annual meeting – Preliminary Program**
        - 5.3. AADE National Practitioner Data Bank (NPDB) Executive Committee report**
        - 5.4. AADE Newsletter – The Bulletin, Summer 2005**
        - 5.5. ADA letter dated August 17, 2005 regarding online CPR.**  
This letter was advising the Commission to be aware that there were companies offering CPR coursework with no hands on experience.
- 6. WESTERN REGIONAL EXAM BOARD (WREB)**
  - 6.1 Annual Meeting – Report from Dr. John Davis and Dr. Marshall Titus**
  - 6.2 Letter dated July 9, 2005 to Katie Dawson, RDH.**
  - 6.3 Letter dated July 6, 2005 to State Dental Boards from Dr. Lorin Peterson, WREB president.**
- 7. CENTRAL REGIONAL DENTAL TESTING SERVICE (CRDTS)**
  - 7.1 Memo dated July 6, 2005 addressed to State Dental Boards from Joan E. Sivers, DDS, CRDTS President.**
  - 7.2 American Board of Dental Examiners (ADEX) informational contract review and discussion regarding approval.**  
The Commission discussed the value in signing the contract at this time and determined to wait.
  - 7.3 Letter dated July 28, 2005 from Central Regional Dental Testing Services, Inc., regarding adoption of ADEX examination for the class of 2006.**  
Washington State currently accepts the CRDTS exam and ADEX is a subsidiary group from CRDTS. We will then accept the exam given by ADEX by default of accepting the CRDTS exam.
- 8. STAFF/COMMISSION MEMBER REPORTS**
  - 8.1. Bernard Nelson and Dr. John Davis to report on Non-Hospital Surgical Settings (NHSS). A copy of the advisory group booklet is available upon request.**  
Mr. Nelson provided an overview of the meeting that took place on August 25<sup>th</sup>. The main issue is that practitioners have regulatory supervision (oversite) but the facilities do not.

**8.2. Western Conference Report and Update: Dr. Russell Timms and Dr. John Davis**

Dr. Timms provided an overview on his attendance of the WREB conference.

**8.3. Dr. John Davis will provide chairman's update.**

Dr. Davis, as outgoing chairperson, indicated that since he will not be available for the September meeting that he will be coordinating a social activity for the Commission in December.

**9. WASHINGTON PHYSICIANS HEALTH PROGRAM**

**9.1. 2005-2009 Contract – Statement of Work – FYI**

A copy of the new contract and Statement of Work was provided for informational purposes. Ms. Anderson will monitor the deliverables as required by the contract.

**9.2. 2004 Dental Quality Assurance Commission Semi Annual Report**

Dr. Lynn Hankes, WPHP has indicated he would like to speak/present to the Commission with the next couple of months about the WPHP program.

**10. CONSENT AGENDA**

Items listed under the consent agenda are considered to be routine agency matters and will be approved by a single motion of the Commission without separate discussion. If separate discussion is desired, that item will be removed from the agenda and placed on the regular business agenda.

**10.1 Newsletters – the listed newsletters were provided to the commission members by email.**

10.1.1 Tennessee Board of Dentistry

10.1.2 Pennsylvania State Board of Dentistry

10.1.3 Citizen Advocacy Center (CAC)

10.1.4 National Practitioner Data Bank (NPDB)

10.1.5 Department of Health – The Sentinel June & July 2005

10.1.6 Health Professions Quality Assurance Monthly Report June & July 2005

10.1.7 News from the Idaho State Board of Dentistry, Summer 2005

**10.2 Articles**

10.2.1 Confronting Oral Health Disparities

10.2.2 Spokane County Superior Court decision – Lang/Paxton

10.2.3 Retired Dentist dies in house fire, The Associated Press

10.2.4 Crackdown urged on mercury waste from dentistry, Seattle PI

10.2.5 Once Seen as Risky, The Wall Street Journal

10.2.6 Zoom2 Chairside Whitening Instruction Manual

10.2.7 Washington State Dental Association June 2004 newsletter article with a letter dated July 5, 2005 to Dr. Barbara Billings from David Hemion, WSDA Assistant Executive Director.

10.2.8 Department of Health, Health Professions Quality Assurance Procedure #115, Ethics, Conflict of Interest and Appearance of Fairness, Principles, and Guidelines.

Ms. Anderson provided the updated procedure to the Commission and informed them the importance of following this procedure.

10.2.9 Employees Responsibilities with Confidential Information

Ms. Anderson provided the procedure to the Commission and informed them the importance of following this procedure..

10.2.10 Office of Radiation Protection – Notice of Proposed fee changes

All the above newsletters and articles were provided to the Commission by email or directly at the meeting. The Commission indicated that this format of receiving consent agenda items works well for them. There are a couple Commission members that staff will need to work with due to computers not accepting the emails.

## **11. POLICIES/ INTERPRETIVE STATEMENTS, OPINIONS**

Any interpretive statement issued by the Commission is advisory and intended for the guidance of the requesting parties only. The interpretive statement is not legally binding and does not have the force and effect of a duly promulgated regulation or declaratory ruling by the Commission.

There is no business for this item at this time to discuss.

## **12. CORRESPONDENCE –**

- 12.1. Letter dated June 24, 2005 to Dr. J. Kevin Schow from Dr. Russell Timms regarding the May 2005 newsletter from the Clark County Dental Society.**
- 12.2. Letter dated July 19, 2005 to Lisa Anderson, Program Manager from Dr. Howard Katz regarding Botulinum Toxins for Dentistry/See response and request for approval.**
- 12.3. Letter dated July 11, 2005 to Andrew Zwingenberger with Sci Can, Inc. from Lisa Anderson, Program Manager regarding regulatory position on bleaching.**
- 12.4. Letter dated July 11, 2005 to Dr. Steve Cartensen from Lisa Anderson, Program Manager regarding nomenclature related to sleep dentistry.**
- 12.5. Letter dated July 13, 2005 to Dr. Larry Lawton from Lisa Anderson, Program Manager regarding dental scope of practice and delegation of certain functions.**
- 12.6. Letter dated July 11, 2005 to Dr. Lisa Park and Dr. Simone Kim from Lisa Anderson, Program Manager regarding dental scope of practice.**
- 12.7. Letter dated August 17, 2005 from Dr. Rhys Spoor, Anesthetic Dentistry requesting authorization under RCW 18.32.030(4), to have out of state dentists receive hands on continuing dental education at courses to be offered between January and October 2006.**

The Commission approved Dr. Spoor's course. Ms. Anderson will send written response.

**12.8. Letter dated August 8, 2005 from A. T. Still University, Arizona School of Dentistry and oral health requesting interpretation of RCW 18.32.030 to allow for external dental school student rotations of students from their school into clinics in Washington State.**

The University of Washington dental rotation is trying to send students to other states and bring students in from other states. RCW 18.32 was revised to help the universities with the supervision requirements. RCW 18.32 will be reviewed by AAG Advisor, Sandra Adix and Ms. Adix will report back to the Commission.

**12.9. Letter dated August 10, 2005 from James E. Reed, DDS, MD, President of WSSOMS to DQAC members regarding composition of the newly selected Dental Anesthesia Committee.**

The Commission assured Dr. Reed, whom was in the audience, that there is representation from all areas of dentistry. There are actually 2 representatives with anesthesia specialty on the committee. The Commission also discussed that no review or revisions have been made as of date. The committee will meet on October 21, 2005.

**12.10. Response letter to 12.9, dated August 16, 2005**

## **CLOSED SESSION**

### **13. EXECUTIVE SESSION**

The term "executive session" is commonly understood to mean that part of a regular or special meeting of the governing body that is closed to the public. A governing body may hold an executive session only for specified purposes, which are identified in RCW 42.30.220(1)(a-k), and only during a regular or special meeting.

The Commission may go into executive session to discuss issues that are appropriate to be handled in closed session such as personnel issues or to obtain legal advice.

13.1. Assistant Attorney General and Staff Attorney will provide legal advice to the Dental Quality Assurance Commission.

### **14. FUTURE COMMISSION BUSINESS**

The next DQAC meeting is scheduled to be held September 29, 2005 at Point Plaza East, Tumwater.

### **15. BUSINESS MEETING ADJOURNMENT**

The business meeting adjourned at 11:15 pm. The Commission will begin Disciplinary panel business at 8:00 a.m. on Friday, August 26, 2005.



Respectfully Submitted By:

\_\_\_\_\_*signature on file*\_\_\_\_\_  
Jennifer Bressi, Health Service Consultant 1

Commission Approval By:

\_\_\_\_\_*signature on file*\_\_\_\_\_  
John Davis, DDS, JD, Chair